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U.S. Senate

Date: Wednesday, June 20, 2018

Committee on Environment  
and Public Works

Washington, D.C.

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HEARING ON THE NOMINATIONS OF WILLIAM CHARLES MCINTOSH AND PETER  
C. WRIGHT TO BE ASSISTANT ADMINISTRATORS OF THE ENVIRONMENTAL  
PROTECTION AGENCY

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The committee met, pursuant to notice, at 10:02 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Wicker, Fischer, Rounds, Ernst, Sullivan, Cardin, Whitehouse, Gillibrand, Booker, Markey, and Van Hollen.

STATEMENT OF THE HONORABLE JOHN BARRASSO, A UNITED STATES  
SENATOR FROM THE STATE OF WYOMING

Senator Barrasso. Good morning. I call this hearing to order.

Today we will consider two nominees to serve as Assistant Administrators of the Environmental Protection Agency, William Charles "Chad" McIntosh, former Manager of Global Environmental Policy at the Ford Motor Company, and Peter C. Wright, Managing Counsel at Dow Chemical Company.

Both nominees before us today are well qualified and will bring a wealth of experience and expertise to critically important roles in protecting America's public health and safety.

President Trump has nominated Chad McIntosh to lead the EPA's Office of International and Tribal Affairs. The Office of International and Tribal Affairs coordinates EPA's interaction with tribal and foreign governments. The office works across EPA's programs and regions to develop and implement policies and programs to protect the public health and the environment.

Tracy Mehan, former Assistant Administrator of EPA's Office of Water and former Director of Michigan's Office of the Great Lakes said this of Mr. McIntosh: "As someone who has had the pleasure to work with Chad McIntosh on Great Lakes and other environmental issues in Michigan State government, I can testify

to his solid technical, policy, and legal expertise as both an engineer and an attorney. He was a conscientious public servant and an outstanding conservationist. He will be an excellent addition to the team at EPA. He is a great colleague and administrator."

President Trump has also nominated Peter Wright. If confirmed, he will lead EPA's Office of Land and Emergency Management. The Office of Land and Emergency Management provides policy, guidance, and direction for EPA's emergency response and waste programs. This office oversees the Superfund program, which is a priority for this Administration, as well as this Committee.

John Milner, the Chair of the American Bar Association's Section on Environment, Energy, and Resources, said this of Mr. Wright: "Peter's career, his selfless commitment to the American Bar Association's Section of Environment, Energy, and Resources, and the members it serves, and his well-recognized personal integrity exemplify the highest standards of the legal profession. We enthusiastically and without reservation support the consideration of Peter as Assistant Administrator of OLEM and believe Peter will serve the office with distinction and honor."

There are approximately 1,300 listed Superfund sites across the Country that are a threat to the environment, to public

health, and the economy. These sites must be cleaned up in a thorough and efficient manner. Likewise, there are approximately 450,000 Brownfields sites that also need to be addressed. The EPA Brownfields Program is a great example of Washington working with local communities to address pollution and to find new uses for long-abandoned sites.

Earlier this year, this Committee was able to pass and get signed into law bipartisan legislation reauthorizing EPA's important Brownfields Program. This law will assist States and local communities in their efforts to clean up and reuse these properties.

The EPA needs a leader like Mr. Wright to ensure that the EPA's Superfund and Brownfields Programs properly address America's contaminated sites.

I look forward to hearing from both Mr. McIntosh and Mr. Wright today as the Committee considers their nominations.

I would like to now turn to the Ranking Member for his statement, Senator Carper.

[The prepared statement of Senator Barrasso follows:]

Senator Carper. Thanks, Mr. Chairman.

Good morning, one and all. Welcome to our friends.

Have you already been introduced?

Senator Barrasso. No. We have the Senator and the Congressman to do the initial introductions.

Senator Carper. Okay. Should they go first so they can leave?

Senator Barrasso. That would be fine. I don't want to take --

Senator Carper. You all go ahead, please.

Senator Barrasso. Well now, Senator Daines, would you like to introduce Mr. Wright? Welcome to the Committee.

STATEMENT OF THE HONORABLE STEVE DAINES, A UNITED STATES SENATOR  
FROM THE STATE OF MONTANA

Senator Daines. I would be happy to. Thanks, Mr.  
Chairman.

I want to thank Chairman Barrasso and Ranking Member for  
allowing us to be here today.

I would also like to welcome to the Committee Mr. Peter C.  
Wright. Mr. Wright and I met in my office just last week and,  
if confirmed, I trust he will excel as EPA's Assistant  
Administrator for the Office of Land and Emergency Management.

Mr. Wright has an extensive background in environmental law  
and regulatory counseling. In fact, during his nearly 20 years  
at the Dow Chemical Company, he has led legal strategy on  
hundreds of Superfund, State-led, and other remediation sites.

Mr. Wright has also been a leader of the American Bar  
Association's Section of Environment, Energy, and Resources. He  
earned his J.D. summa cum laude from Indiana University and his  
A.B. summa cum laude from Wabash College.

If confirmed, Mr. Wright will carry out Administrator  
Pruitt's mission. For one, he will continue the charge on  
improving the Superfund Program.

Let me tell you something, last Friday I was in Anaconda,  
Montana. It is one of the Superfund sites. Under Administrator  
Pruitt and the EPA, we are finally working to bring closure, an

end to some of these Superfund sites that have just dogged us for years in Montana. In fact, this was declared a Superfund site in 1983. I was a junior in college at Montana State University when that occurred, and there is no signed consent decree yet. The studies are done. It is time to stop studying it and move to closure.

I will tell you something, Doug Benevento, Region 8, EPA has been in Anaconda. I think he is almost a permanent resident there. He has the community support, working with the local officials, the State officials, and we are actually starting to see property values start to increase for the first time in Anaconda, Montana in a long time.

He understands the need to improve the way the EPA oversees environmental cleanup and hazardous waste sites and the need to see those cleanups happen more expeditiously, while protecting human health and the environment. I saw that firsthand last Friday.

This program is personal to me, coming from Montana, where we are home to two of the most expensive and expansive Superfund sites in the Nation.

I would also like to thank Chairman Barrasso and Ranking Member Carper for having me here and for the opportunity to introduce this highly qualified nominee. I hope to see him clear this Committee so that the full Senate can consider his



nomination swiftly.

Thank you.

[The prepared statement of Senator Daines follows:]

Senator Barrasso. Thank you very much, Senator Daines. We appreciate you taking time to be here. We know you have a very busy schedule this morning. If you need to excuse yourself, please do.

We would also like to welcome to the Committee Congressman Tom Rice from South Carolina's 7th Congressional District, who is here to introduce Mr. McIntosh.

Congressman Rice, welcome to the Committee. Thank you for being here today.

STATEMENT OF THE HONORABLE TOM RICE, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. Rice. Thank you, Mr. Chairman. It is my pleasure to introduce Chad McIntosh, who recently moved to Murrells Inlet, South Carolina, in my district, along with about 10 percent of the population of the northeast and the Midwest who continue to pour in to our beautiful, beautiful district.

I imagine he is enjoying the weather quite a bit more now. I only met him last week; was very impressed with him and was convinced to do this introduction when he shared with me that he is, like me, an offshore fisherman and would share some of his GPS coordinates to his favorite fishing holes.

Mr. McIntosh is a strongly qualified nominee to lead the EPA's Office of International and Tribal Affairs as an Assistant Administrator. Mr. McIntosh's extensive engineering and legal experience strongly position him to take on this role at the EPA. He spent 20 years managing global and environmental policy at Ford Motor Company, where he managed environmental quality offices at multiple international locations, and provided environmental regulatory compliance, permit development, and enforcement negotiation for all of the company's manufacturing facilities.

Before his time at Ford Motor Company, he served as Deputy Director for the Michigan Department of Environmental Quality,

where he worked closely with tribal and State leaders, oversaw regulatory reform and criminal investigations, and directed the development of administrative rules packages for the State.

He has demonstrated his ability to develop and implement sound regulatory policy and manage large organizations. His leadership skills and wealth of experience will make him a strong asset for the Environmental Protection Agency.

I yield.

[The prepared statement of Mr. Rice follows:]

Senator Barrasso. Well, thank you very much for being with us, Representative Rice. I know you have a busy schedule as well. You are welcome to stay for the entirety of the hearing, if you would like, but I know you have additional commitments, so thank you for joining us today.

Senator Carper. Representative Rice, before you leave, could I just ask you a couple questions?

[Laughter.]

Senator Barrasso. I would be careful.

Mr. Rice. Yes, sir.

Senator Carper. My wife is from western North Carolina. Her father is from South Carolina. He is now deceased. Star Stacy was his name. And if I closed my eyes when you were talking, I would swear he was at this table. It was great to hear that South Carolina accent.

Mr. Rice. If your wife is from North Carolina, she has probably been to Myrtle Beach once or twice.

Senator Carper. We will talk about that later.

[Laughter.]

Senator Carper. Thanks for joining us.

Senator Barrasso. Senator Carper, would you like to continue with your opening statement? Then I will introduce the nominees.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES  
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Thank you, Mr. Chairman.

To our nominees, welcome one and all. Thank you for your willingness to serve. I presume there are probably some members of your families that are here.

If you happen to be a family member of one our nominees today, would you just raise your hand? Just raise your hand. Okay. All right.

If you are, but you don't want to admit it, would you raise your hand?

[Laughter.]

Senator Carper. Okay.

Well, Mr. Chairman, thanks for bringing us together. We are here to consider the nominations of Chad, also known as William Charles McIntosh, who has been selected to lead the EPA Office of International and Tribal Affairs, and Peter Wright, President Trump's pick to lead EPA's Office of Land and Emergency Management.

As my colleagues know, sometimes to our witnesses, our nominees, I describe myself as a recovering governor. I am still recovering, and some others are also recovering governors here. But, for the most part, I believe that executives, including governors, mayors, and even presidents, generally

deserve a preference and deference, if you will, in picking their leadership teams, and I have agreed to confirm a number of Trump Administration nominees by voice vote; not for long, drawn out debates and battles and so forth, but by voice votes.

I did so because I expected that this Committee would hold nominees accountable for their actions and conduct necessary oversight, and doing so would follow the Committee's historical precedent that has always been adhered to, regardless of which political party was in the majority.

This Committee has the responsibility to conduct oversight of the Federal agencies within our jurisdiction, and there are a bunch of them, as well as the leadership at those agencies. Any member of this Committee is entitled to request an oversight hearing if he or she believes it is warranted. Historically, we have held regular oversight hearings, especially when events clearly warrant such hearings.

I can think of no time in all my years in government when events more clearly warranted an immediate series of hearings with an administrator, in this case the administrator of the EPA. Today we are learning, almost every day, of a new scandal, some small, some not small, involving Administrator Pruitt, and I want to highlight just a couple of those, if I could.

Mr. Pruitt has used EPA staff to help his wife find a job, search for real estate, try to buy a used mattress for the Trump

Hotel --

Senator Inhofe. Mr. Chairman, sorry to interrupt here. First of all, you should qualify this by saying he has been accused of the following. It is a big difference. I happen to know him well. I know what you just said is not correct.

Senator Carper. Well, we all have a right to disagree, and we have heard this repeatedly from a lot of different sources. I appreciate very much my colleague's words.

Mr. Pruitt has spent exorbitant amounts of taxpayer dollars on apparently illegal, \$43,000 phone booth and foreign trips organized by lobbyists. He has accepted tickets to sporting goods and below market rent on his condo from people who had business before the EPA. At the request of political supporters, he accelerated the Superfund cleanup process and directed that EPA research dollars be used for pet projects. For months now, Mr. Pruitt's behavior has been concerning and clearly, to most of us, I think, unethical.

However, in recent weeks new revelations show that some of the Administrator's actions may be illegal. We are a separate, co-equal branch of Government. We don't need permission to conduct oversight, and we are abdicating a fundamental responsibility of this body if we continue to fail to do so.

As of today, the majority of members of this Committee, including a majority of Republicans, I believe, have stated that



they would like to see Mr. Pruitt testify and provide much-needed answers about his misconduct.

I know that our Chairman announced last night that the Administrator may be coming before our Committee sometime in August. I welcome that, but, frankly, a hearing with the Administrator is already long overdue. Mr. Pruitt has come before our Committee only once during his entire tenure as Administrator of the EPA.

I don't believe anyone would argue with me when I say that if Lisa Jackson or Gina McCarthy had done even one or two of the many things that Mr. Pruitt has done, appears to have done, the Majority would have had them before us testifying every other week.

Now, as far as I know, this Committee does not yet have any other hearings on the books. We shouldn't go, I think, eight weeks before we invite Mr. Pruitt to appear to answer for, I believe, his misbehavior. I believe I speak for my colleagues, both Republican and Democrat, that we will clear our schedules and make time available as soon as possible.

Having said that, let me just say to our witnesses here today, our nominees here today, we appreciate that you are here. We appreciate the opportunity to meet with you yesterday. We appreciate your willingness to serve. I was able to meet with both of you yesterday and look forward to learning more about

your visions for the important positions to which you have been nominated.

I do need to caution you both that your paths to confirmation will be troubled. Will be troubled. Could be troubled. Of the 60 oversight letters the Democratic members have sent to EPA, we received complete responses to only 23, less than half. The last time I tried to work with EPA to expedite the consideration of a nominee, Mr. Pruitt reneged on an agreement that he had previously made with me, so the Administrator's failure to work constructively with this Committee has put you in a tough spot.

You are also looking to work at an agency run by an Administrator who seemingly has no qualms about asking his staff to do things that are inappropriate, maybe even illegal. The Administrator has put politics and his own personal gains ahead of the EPA's mission to protect public health and our environment. The Committee should know how you both plan to address this kind of work culture, should you be confirmed.

Mr. Wright, you have been nominated to serve as Assistant Administrator for the Office of Land and Emergency Management, which sets Federal guidelines for both hazardous and non-hazardous waste disposal, and oversees State and local waste disposal programs. The Office is also responsible for overseeing Superfund cleanups of the most contaminated sites on

EPA's National Priorities List.

The Office also acts as the Federal Government's environmental first responder in the events of oil spills, chemical accidents, natural and other environmental disasters. For example, the Office of Land and Emergency Management was on the scene during the Deepwater Horizon oil spill and in the aftermath of last year's hurricanes in Texas, Florida, Puerto Rico, and the U.S. Virgin Islands.

Mr. Wright comes to us from Dow Chemical Company, now DowDuPont, where he has helped lead Dow's Superfund cleanup work. Mr. Wright has agreed to recuse himself from working on any Superfund site that DowDuPont may be responsible for contaminating for at least two years. For Dow sites that he has personally and substantially worked on, he has agreed to permanent recusal.

I commend Mr. Wright for working on this recusal statement prior to confirmation, prior to confirmation. He has committed to take more meaningful steps to address potential conflicts of interest than any previous Trump Administration nominee that I am aware of, and I commend you for that.

I would ask Mr. Wright that he provide the Committee with further assurances that he will not seek a waiver from these recusals. I also want to know more about how he plans to implement the duties of his office. Science informs how EPA

cleans up contaminated sites and manages solid waste. For example, many Superfund sites are vulnerable flooding and sea level rise from extreme weather and from climate change. The level risk posed by toxic metals reaching into groundwater from coal ash disposal sites requires careful application of toxicological, geochemical, and hydrological data.

Does Mr. Wright accept the scientific consensus that humans are responsible for climate change, and how will climate impacts inform his work? Will he continue to use best available science in monitoring protocols and disposal standards for coal ash?

The Office of International and Tribal Affairs plays a critical role in international relations at EPA and interactions with the tribal communities across the Nation. Environmental issues do not adhere to international boundaries, and this office assists in international concerns that expand beyond our borders. In addition, this Office maintains the government-to-government relationships between EPA and tribal nations and the U.S.

Mr. McIntosh, as has been noted, has worked at Ford Motor Company, an excellent company, for the State of Michigan. We look forward to hearing from Mr. McIntosh regarding his work in these areas and his plans to continue the mission of the office to which he has been nominated.

Again, we welcome our witnesses and look forward to your

testimony. Thank you so much.

And to the family members and guests that are here, we welcome you as well.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Well, thank you, Senator Carper.

First, let me know that the EPW Committee is the only committee in Congress to have held an oversight hearing on the EPA this year. That hearing took place on January 30th. Administrator Pruitt testified before us for nearly two and a half hours. Since then, the Administrator has testified before three additional committees, for an additional eight hours on Capitol Hill. I have consistently said that I plan to call Administrator Pruitt to testify for a second time this year.

The EPA's Inspector General is in the middle of conducting a number of reviews related to the Office of the Administrator, and I understand that the Inspector General will have completed several reviews later this summer. For that reason, I have asked Administrator Pruitt to testify before us in August, and we are working on the final date so that we can have that as a substantive hearing, because we will actually have information from the Inspector General before the Administrator appears.

Senator Carper. Mr. Chairman, can I say again I am delighted, not delighted, I am pleased that we are going to have a hearing, that he is going to be before us, but I would just suggest again if Gina McCarthy or Lisa Jackson, the two previous Administrators of EPA, had been accused of even a fraction of what Mr. Pruitt has been accused of, they would be sitting at this desk week after week after week explaining what is going on

at EPA and why are they doing those things, and that is why we are anxious to get this hearing scheduled as soon as possible.

Thank you.

Senator Barrasso. Senator Inhofe.

Senator Inhofe. Mr. Chairman, I plan a significant enough that I am going to skip the vote. So, if you all want to go ahead and go vote, I will hold it open until you get back. I will have a chance to make a few statements myself, if that is permissible with you.

Senator Barrasso. That most certainly is, so we can continue with the hearing.

Just to tell the two people who testify today, the nominees, that we are in the middle of several roll call votes, so people will be coming and going, and Senator Inhofe has graciously agreed to stay here and continue the hearing so we don't have to take a disruption of activities here.

So, I am delighted that you are both here today and I want to welcome the two nominees to the Committee, Chad McIntosh, nominee to be Assistant Administrator for the EPA's Office of International and Tribal Affairs, and Peter Wright, nominee to be Assistant Administrator for the EPA's Office of Land and Emergency Management.

I want to remind each of you that your full written testimony will be made part of the record. I look forward to

you testifying. We will first hear from Mr. McIntosh and invite you to introduce your family.

Please proceed.



STATEMENT OF WILLIAM CHARLES MCINTOSH, NOMINEE TO BE ASSISTANT  
ADMINISTRATOR FOR THE OFFICE OF INTERNATIONAL AND TRIBAL AFFAIRS

Mr. McIntosh. Thank you, Senator Barrasso. I would like to introduce my son, Scott, and his wife, Katie, who are here today. I have a number of other family members that are watching TV.

Senator Barrasso. Please, proceed.

Mr. McIntosh. Good morning, Chairman Barrasso, Ranking Member Carper, and esteemed members of the Committee. I count it a high honor to appear before you as you carry out your responsibility to provide advice, and hopefully consent, for my nomination for the position of Assistant Administrator for the U.S. EPA Office of International and Tribal Affairs.

I am humbled and thrilled to be nominated by President Trump. Thank you, Mr. President, for your confidence in me. If confirmed, I promise to faithfully carry out my duties.

Thank you, Administrator Pruitt, for trusting in me and for supporting this nomination.

Forty years ago, the Michigan Department of Natural Resources hired me to review permit applications submitted under the Clean Air Act. I worked in the Air, Hazardous Waste, and Radioactive Waste programs before having the opportunity to work as Governor Engler's environmental and natural resources policy advisor. I shepherded the Clean Air Act amendments of 1990

through the State legislature, enjoying broad bipartisan support, reformed the State remediation laws, codified the environmental and natural resources statutes, and improved the State's wastewater infrastructure.

I spent 19 proud years with the Ford Motor Company, where compliance with environmental regulations is the minimum and improving the environment is expected.

To the Office of International and Tribal Affairs, I cannot wait to start working with you, if confirmed. You embody the mission of the EPA to protect human health and the environment through your tribal mission and our work with our international partners.

When I started my environmental protection career, Lake Erie would catch fire, portions of the regulated community were recalcitrant in their compliance, and States and Tribes were just learning how to implement their environmental responsibilities.

The States and Tribes have become so much more capable over the last 40 years. Cooperative federalism has become essential. In many cases there is no longer a need for a Federal redundancy in regulation; we can work with the States and Tribes to faithfully implement the laws and fully protect public health and the environment by providing oversight and assistance without duplicating their actions. Many companies fully embrace

environmental compliance.

President Trump and Administrator Pruitt have set an aggressive agenda that I am excited to help implement, should I be confirmed. Administrator Pruitt is focusing the Agency on the implementation of Federal laws. I look forward to helping ensure that the Agency's regulations and guidance faithfully and literally implement the laws of the land.

We have made so much progress and the environment is so much cleaner over the span of my career. I am thrilled to have the opportunity to be part of the EPA as it assists the States and Tribes and provides an example to other nations of how to work to protect the environment, should I be confirmed.

Again, Mr. Chairman and members of the Committee, thank you again for your time and the opportunity to appear before you.

[The prepared statement of Mr. McIntosh follows:]

Senator Inhofe. [Presiding.] Thank you very much, Mr. McIntosh.

We are going to change the arrangement, if it is all right with you, Mr. Wright. What I am going to do is recognize myself as the acting chairman right now, to ask some questions, make some comments, and then I will miss the vote, but we will keep on.

I understand the two of you have already voted, is that correct?

All right, so that is what we will do.

If you don't mind waiting, then we will recognize you when I conclude my remarks. Thank you very much.

It is a very awkward situation for me because I have one issue. I had to get to the two of you to get a clear understanding, and it is one I don't have any concern as to where you are going to be, and that is, if we start with you, Mr. McIntosh.

In northeastern Oklahoma we have a thing called Tar Creek. I think you are familiar with that. It could be characterized as the most devastating Superfund site of any time. It has 50 million tons of mine waste and miles of underground mines. It is something we have been working on, working with, and working in cooperation with the EPA; and primarily it is the Quapaw Tribe. We have a number of Native American Tribes in Oklahoma.

The Quapaws own the land where this Superfund site was, so they have taken it over. They are working it well, working with the EPA.

One of the problems we are having, though, is that the Quapaw Tribe has run into a barrier called the Bureau of Indian Affairs that has made it very difficult for the Tribe to sell the chat on their lands, while other landowners can. This just takes a yes or no answer on this. So, if confirmed as Assistant Administrator, will you work with the Tribe and the BIA to explore ways to simplify the process for chat sales so that the Tribe can reenter the market and sell their chat, as others are doing?

Mr. McIntosh. Yes.

Senator Inhofe. Thank you very much.

I would ask also that Oklahoma enter into their own agreement to clean up the non-tribal land, but they find that the EPA can be a little inflexible when it comes to the remediation that is being handled. For example, the EPA will not allow the topsoil to be replaced once contaminated soil is removed. This severely limits their opportunities.

Can I get your commitment to ensure the Tribe's wishes for how their land is remediated is given the proper weight and consideration?

Mr. McIntosh. Yes.

Senator Inhofe. I appreciate that very much.

Mr. Wright, you have heard this. Can I get your commitment, too, that the Tribe's considerations for the condition that they want their land to be given weight that it deserves?

Mr. Wright. Absolutely.

Senator Inhofe. I appreciate that very much.

I believe that would pretty much handle that.

I do want to respond. I think it is very inappropriate. It happens that the Ranking Member, Senator Carper, is a friend of mine. But when you folks are coming up, you have been recommended by Scott Pruitt, the Administrator of the EPA, who went through hours and hours of antagonizing questions. Normally you get questions for the record averaging about 25 with each nominee going through a confirmation process. He had 1,600 that he had to answer.

I have to say this. I am going to take the statement that was made by Senator Carper. Excuse my voice this morning First of all, he was talking about the New York Times story. That was the very first thing that I heard, the accusation against Scott Pruitt. New York Times has never been a conservative publication, we all know that, and some of the things that they said were actually wrong. We have documented that they were wrong. Individuals that were mentioned in that story were

individuals who have been unblemished, never had anything negative said about them. One is Bob Funk, a very wealthy individual who is a real free enterpriser.

The costly trips overseas at taxpayers' expense, it is a lie, just an outrageous lie. They talk about Morocco and Italy. Scott Pruitt had to go to Morocco because that was his job. He had to represent, along with his counterparts from seven other countries, to be there because they were dealing with chapters of the free trade agreement that have to do with the environment. That was their job. He had to be there. He was there at government expense, the same as his predecessor had been to these same meetings.

The G7 meeting in Italy, the same thing. He had to be there because all seven of his counterparts had to be at this meeting. If he had not been there, he would have been guilty of derelict of his own duty.

Tickets on sporting events. This is so outrageous. They talk about the University of Kentucky basketball game where he went with his son and about the Rose Bowl. Well, he actually went through the process of going to ethics and saying I want to do this, I want to pay for my own tickets; will you tell me what to do so I am not violating anything. In both cases they said you just have to pay for your own tickets and disclose that you are there. He did that, paid for his own tickets to the Rose

Bowl, paid for his ticket and his son's ticket to the Kentucky.

You know, only in Washington can you get by with allegations against somebody and not giving them a chance to respond. This is the first response you have probably ever heard of this. It has been all over the papers now for a year.

The secure phone booth. One of the first calls he got when he took office was from the President of the United States. The first question they asked, is this a secure phone. Well, obviously it wasn't a secure phone, so he went and asked them whatever was necessary to come up with a secure phone and they would do it.

The fifth thing I want to mention, while missing the vote, is the security costs, the fact that his security has been around \$3 million in the first year. Now, the reason is that Administrator Pruitt is the first one in my memory, and I have been around here for 32 years, the first one who has ever had any type of threat on his or her life of all the administrators that we have had, and he has been threatened over and over again. Just earlier this month, Occupy Wall Street, a liberal group that doesn't like him, probably funded, I would say, by Tom Steyer, posted his home address in Tulsa and encouraged their followers to take a pitchfork at him. In other words, gave his home address and told them to go molest his family. Can you believe that is happening? Have you heard it before?



No, you haven't.

They brought his daughter in. Somehow the accusation was that she only got into UVA because of Pruitt asked an old friend from his VA House of Delegates to write a letter of recommendation. That is outrageous. I know this little girl; she was an intern for me. She is brilliant. She is an honor student. Law schools were trying to recruit her to come in and she actually was invited to come into law school at UVA before he was even in office.

So, this is the type of outrageous lies that you hear in Washington, and people don't have a chance to respond to them.

With that, Senator Rounds is presiding.

Senator Rounds. [Presiding.] Thank you, Senator.

Mr. Wright, would you like to proceed with your opening statement?

STATEMENT OF PETER C. WRIGHT, NOMINEE TO BE ASSISTANT  
ADMINISTRATOR FOR THE OFFICE OF LAND MANAGEMENT

Mr. Wright. Yes. Chairman Barrasso, Ranking Senator Carper, distinguished members of the Committee, thank you for the privilege of coming before you today as the nominee for the position of Assistant Administrator for the Office of Land and Emergency Management. I am honored that President Trump, Administrator Pruitt, and the Committee are considering me for this position.

I would like to thank my wife, Nicky, who is here today, my daughter, Audrey, who is watching today, for their unwavering support of my career over many years. I would also like to thank my many current and former colleagues from industry, law firms, and the ABA Section of Environment, Energy, and Resources for their support and friendship.

I am proud and grateful to have been an environmental lawyer during my 32-year career. For much of my career I have worked in the manufacturing sector in support of the hard work of millions of Americans committed to making products you use every day. I have worked to support manufacturers and other clients addressing and responsibly resolving the legacy of historic waste management practices and operations. They have relied on me to provide guidance on compliance with a broad array of regulations.

I have also had the opportunity to work for two law firms and to serve a diverse set of clients.

While I have spent my entire legal career practicing in Indiana, Missouri, and Michigan, I have had the opportunity to work on remediation, regulatory, and transactional matters in almost every State and in many countries around the world. I appreciate firsthand the importance of and the need for cooperative federalism between EPA regions and the State environmental agencies.

I look forward to the opportunity to serve our Country as the Assistant Administrator for the Office of Land and Emergency Management, to bring to bear my experience to help implement the recommendations of the Superfund Task Force to achieve the overall goal of better, faster cleanups. Not a day goes by when I work on Superfund and remediation matters when I do not think about things that could be changed and improved.

The time and cost expended on matters ancillary to actual cleanup work, that provide no environmental benefit, are staggering. Communities and Congress have understandably been very frustrated and despairing that some cleanups will ever be completed. I look forward to applying my transactional background to the benefits of the Superfund reform plan that seek to revitalize sites whenever possible. Communities have rightly been disappointed when the end of a cleanup is a forever

fenced-off industrial facility that serves no economic purpose to the surrounding community; it is fixed, but useless.

I look forward to working with the dedicated personnel at EPA, many of whom I have worked with over the course of my career. I have listened carefully to the headquarters and regional EPA personnel, as well as my own clients, to find pragmatic and productive solutions and advance protection of the environment and public health.

I have volunteered my time, alongside many from EPA, to work on the RCRA corrective action project and the ABA's Environmental Energy and Resource Section, focused on improving the practice and performance of Superfund and RCRA through conferences, publications, and ongoing dialogue. That collaborative work must continue.

In closing, Mr. Chairman, I would again like to thank the President, the Administrator, and this Committee for the opportunity to be here today. I would be humbled to join Administrator Pruitt and the OLEM staff in carrying out EPA's important mission. I respectfully request support and look forward to any questions that you or your colleagues may have for me.

[The prepared statement of Mr. Wright follows:]

Senator Barrasso. [Presiding.] Well, thank you very much, Mr. Wright.

I want to thank both of you for your testimony.

Throughout this hearing and with the questions for the record, Committee members are going to have the opportunity to learn more about your commitment to our great Nation, and I would ask that throughout this hearing you please respond to the questions, not just those today, but also those for the record.

There are a couple of questions that we ask of all nominees on behalf of the Committee, and I will start with the one of do you agree, if confirmed, to appear before this Committee or designated members of this Committee, and other appropriate committees of Congress, and provide information subject to appropriate and necessary security protection with respect to your responsibilities?

Mr. McIntosh?

Mr. McIntosh. Yes.

Senator Barrasso. Mr. Wright?

Mr. Wright. Yes.

Senator Barrasso. Thank you.

Do you agree to ensure that testimony, briefings, documents, and electronic and other forms of information are provided to this Committee and its staff, and other appropriate committees, in a timely manner?

Mr. McIntosh?

Mr. McIntosh. Yes.

Senator Barrasso. Thank you.

Mr. Wright?

Mr. Wright. Yes.

Senator Barrasso. Thank you.

Now, to both of you, do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed?

Mr. McIntosh?

Mr. McIntosh. No.

Senator Barrasso. Mr. Wright?

Mr. Wright. No.

Senator Barrasso. Thank you very much.

With that, I am going to ask a few questions and then turn to colleagues to do the same.

Mr. Wright, if confirmed, you will oversee the EPA's Superfund program and the Brownfields program. In its 2017 annual report, the parent of your current employer, Dow Chemical, identified itself as a responsible party at 193 existing and proposed Superfund sites, and I understand that roughly 170 of those sites are on the National Priority List.

How do you plan to address the issues of recusal?

Mr. Wright. As has already been identified briefly, and I

will expand upon it, I have worked with the career ethics officials at the EPA with respect to drafting and signing a memorandum that makes clear that I will be recused from working on the sites not only that are the Dow Chemical sites, but also those that are DuPont sites in that Dow and DuPont merged on September 1 of 2017, so we have identified those sites in a memorandum which, if confirmed and I join the Agency, I will have to reassign.

We have also put in place in that memorandum a process for screening matters that might come before me with the highest level career official and the political deputy, so that they would screen matters to prevent me from working on any sites from which I would be recused.

Senator Barrasso. Thank you very much, Mr. Wright.

Mr. McIntosh, if confirmed, one of your principal responsibilities will be to protect the public health and environment in Indian Country. Indian Tribes in neighboring States often have different views on how to protect the public health and the environment. These issues can be very contentious. You experienced this firsthand during your tenure in the Michigan State government.

How can EPA better engage Indian Tribes and States as it seeks to improve public health and the environment in Indian Country?

Mr. McIntosh. In my time with the Michigan Department of Environmental Quality, we did work with our 12 recognized Tribes. I am not with the EPA at the moment, but I look forward to actually working with all the EPA entities and the Tribes as we carry out our environmental and public health protection duties. My experience will allow me to help with the Tribes that have their own organizations, their own environmental organizations to ensure that they have adequate resources, as well as carrying out our Trust responsibilities on the tribal lands that the EPA actually have to carry that out, and I have plenty of experience in terms of working with multiple States and agencies and countries to work through those kinds of issues.

Senator Barrasso. Because you served as a State regulator. You also worked for a couple of decades as an environmental compliance manager for one of the world's largest automobile manufacturers.

Mr. Wright, you have led an impressive career that includes three decades of environmental law experience.

I would like to ask each of you this based on your backgrounds, what do you consider to be maybe your greatest professional accomplishment as it relates to protecting the environment?

Mr. Wright? Then I will go to you, Mr. McIntosh.



Mr. Wright. Well, the thing that I think I am most well-known for is leading the legal team that has worked to resolve very longstanding controversies with respect to cleanups in the hometown of the Dow Chemical Company, in Midland, Michigan. We have been able to enter into 14 separate orders with EPA Region 5 with respect to the Tittabawassee River and floodplain. Work continues, work is going on I am sure today, if it is not raining, and will continue through 2020 on the Tittabawassee River and then, after, the Saginaw River and Bay, but we were able, again, to put in place a process that is moving that process along.

The controversy in the City of Midland with respect to dioxin contamination was an issue going back into the early 1980s. We were working with the State, with support from EPA, and the community to come up with a cleanup approach that was able to allow us to complete a cleanup, one sample, nearly 1,400 homes, cleanup about 10 percent of those homes and resolve that issue years ahead of schedule and really very much completely.

Senator Barrasso. Thank you.

Mr. McIntosh, you talk a little bit about your greatest professional accomplishment as it relates to protecting the environment.

Mr. McIntosh. There are a number. I will mention just a couple. When I first went to work for Governor Engler, I got to

shepherd the Clean Air Act amendments of 1990, which I know ages me considerably. That was a fantastic opportunity where we worked in a very bipartisan way with the State legislature to totally implement the Clean Air Act and that was rewarding and it got us out in front of all the regulatory requirements and such of the statute.

Probably one of the more difficult things I was involved in was negotiating the Twelve Towns Drain combined sewer overflow system improvements for southeast Michigan by actively negotiating with 14 municipalities who were struggling with the resources necessary to improve their combined sewer overflow structure. We were able to leverage Federal funding to the State Revolving Fund to provide seeds to help the municipalities, as well as working with the agencies who were involved in enforcing in that area. But to have the 14 communities come together and finally put the project in place that significantly kept sewage from flowing into our waters of the State, I was most proud of that.

Senator Barrasso. Thank you.

Senator Rounds.

Senator Rounds. Thank you, Mr. Chairman.

Mr. McIntosh, once again, it is good to see you again. I appreciated the meeting that we had in my office in April. At that meeting we had an opportunity to discuss your thoughts

about tribal relations and I know that you have indicated that you had a number of Tribes that you worked with in your home State.

The Chairman has already indicated an interest in finding out from you about your thoughts about how to work with tribal leaders.

I just want to talk about real consultation and what that means. I think in a lot of cases we have this tendency at the Federal level, and even at the State level, when there is a request for a consultation, it seems to be it is more along the lines of we dot our Is, we cross our Ts. But I think the tribal leadership across this Country expects more in consultation. Can you share a little bit about your thoughts about what the term consultation means when it talks about communications with our tribal leaders?

Mr. McIntosh. For me, consultation would be, I think with my background and experience with the States, counties, with Ford, with the other countries around the world, as well as the Tribes in the State of Michigan, consultation would be actually a direct dialogue where I can provide specific help to the Tribes where they need it. If it is a resource issue or if they have a technology issue, you know, I would be able to help. So, to provide direct assistance, as well as help them for the tribal lands where the EPA is actually implementing the Federal

regulations, work with them directly so that they are directly involved in that.

Senator Rounds. Does it include asking their advice about what they think is right for their lands?

Mr. McIntosh. Absolutely. It is their sovereign lands. We have a Federal Trust responsibility, but it is definitely their Federal lands, and we would be working with them as a sovereign.

Senator Rounds. Does it include negotiations with them on the appropriate way to proceed?

Mr. McIntosh. Negotiations under the law, yes.

Senator Rounds. So, it is not simply a matter of having a public meeting where you take some input from a group on a particular geographic area and then simply say we have done our consultation, we have had a public meeting, and now we can make a decision.

I want to flush this out a little bit because I think in a lot of cases that is the way our tribal leaders feel, is that we give them an opportunity to have a public meeting, but we don't have a give and take. Can you flesh this out a little bit for me?

Mr. McIntosh. Sure. Although public meetings are very important, when I was a hazardous waste permit engineer, we would have a large public meeting with a gymnasium full of

people that were very upset with what was happening, but I personally would seek out the interest groups that were communicating with the department and I would go meet with them personally prior to the public meeting, first of all, to explain the law under which we were taking these actions and to help them understand where we were going, and to take their input in terms of how they wanted the facility to proceed.

Senator Rounds. We have nine Tribes in South Dakota, and I think that is the one thing that I hear more than anything else, is the lack of consultation, a true consultative process, which is more than simply dotting Is and crossing Ts, it is a matter of actually having a dialogue with those leaders.

I would just simply ask that you really consider that in the discussions that you have, that each of these organizations, as a sovereign entity, has built in to the treaty obligations, in many cases, that expectation of true dialogue.

Mr. McIntosh. I will, and I look forward to those consultations.

Senator Rounds. Thank you, sir.

Mr. Wright, I am just curious. I have been pleased to see that the current leadership of the EPA has shifted their focus on the core environmental responsibilities to those areas that I think were originally intended by Congress. This includes overseeing the Superfund program. I believe that every member

of this Committee would like to see greater remediation of our Nation's Superfund sites. You have talked about that.

What do you believe to be the greatest barriers to remediating these sites today?

Mr. Wright. Well, I think the greatest barriers to remediating sites today are a number of practices that have built up over time, you know, that are not as productive as they can be with respect to moving sites forward. It can run the gamut, depending on the particular site, what the impediment is, but, overall, I think the real key to really moving forward is encouraging action and moving forward. The experience that I have had, for example, with respect to the Tittabawassee River is similar to, I think, the large sites that are moving forward, is where often smaller chunks are taken, you know, action is taken on pieces of a problem and not make it the battle over the entire project, and to get going with respect to that. I think that is really one of the keys.

Senator Rounds. Let me just say I serve as Chairman of the Senate Environment and Public Works Subcommittee on Superfund. In this capacity, I intend to hold additional hearings examining the strengths and the weaknesses of the Superfund program.

Should you be confirmed, can you commit to appearing before our subcommittee?

Mr. Wright. I do.

Senator Rounds. Thank you.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Rounds.

Senator Ernst.

Senator Ernst. Thank you, Mr. Chair.

Gentlemen, unfortunately, there have been some instances where I have been made promises by the EPA, even in writing, only to have them reneged upon. I am told one thing and then find out in a press report that the EPA is doing exactly what they told me they wouldn't do. So, when issues under your purviews arise and I engage with your offices, can I count on you to keep your word?

Mr. McIntosh?

Mr. McIntosh. Should I be confirmed, I look forward to working with you directly and giving you timely responses to anything you ask of me.

Senator Ernst. And Mr. Wright?

Mr. Wright. If confirmed, I will do so.

Senator Ernst. Okay. And please, gentlemen, if you have no intent of upholding a commitment or carrying out a policy, I would rather know that upfront. I value integrity.

The EPA has also been under intense scrutiny due to some of the questionable decisions that have been made at the agency, and a number of those have been detailed today, but I do look

forward to hearing from the oversight committee. Excessive and unnecessary spending, unacceptable uses of Agency resources. The list goes on and on.

It is important to understand what the courses of action are. If you do witness additional improprieties, are you familiar with EPA's policies governing the reporting of such complaints?

Mr. McIntosh?

Mr. McIntosh. If confirmed, I will become very familiar with all those policies and rules, and commit to following them, as well as the advice from our Agency ethics officials.

Senator Ernst. I appreciate that.

Mr. Wright?

Mr. Wright. Senator, yes, if confirmed, I intend to come up to speed on those policies and will follow them and follow the guidance of career ethics officials.

Senator Ernst. I appreciate that very much.

I will yield back my time and look forward, again, to additional discussions about the Agency and some of those really unacceptable, what I consider unacceptable uses of taxpayer dollars. Thank you very much.

Senator Barrasso. Thank you, Senator Ernst.

Senator Carper.

Senator Carper. Before I ask a series of questions that



relate to the offices to which you have been nominated, I just wanted to return to the issue of the Administrator of EPA just to say, Mr. Chairman, colleagues, if I had been accused of any of the things that he has been accused of, and there is like a whole plethora of them, I would be pleading for a chance to sit at this table and defend myself. That is what I would ask. Give me a chance to publicly rebuke these, rebut. That is what I would want. For the life of me, for someone who has been accused day after day, week after week, now month after month of these misdeeds, and not to be seeking the opportunity to be heard before the committee of jurisdiction to clear his name, I don't get it. I just don't get it.

But let me ask a question of both of you, if I could. If the Administrator, Mr. Pruitt, asked EPA staff, apparently he is accused, repeatedly, of asking his EPA staff to help, among other things, help his wife find a job by approaching political supporters, including those with businesses before the EPA, to ask them to put her on their payroll, let me just ask, using your official role for personal gain, including to enrich your family, as far as I can tell, is against the law, do each of you commit not to assist this Administrator or any administrator in an effort to enrich him or his family, even if he or she directs you to do so? Would you make that commitment?

Mr. Wright?

Mr. Wright. Senator, I have no expectation that would happen, but I wouldn't agree to it.

Senator Carper. Mr. McIntosh, same question. Would you make that commitment?

Mr. McIntosh. Again, I --

Senator Carper. If you are asked.

Mr. McIntosh. I have not been part of the Agency up to this point. If confirmed, I will conduct my official duties in full compliance with all the rules and regulations with the agencies and work very closely with the ethics officials on all issues.

Senator Carper. Okay.

A follow-up question. Mr. Pruitt apparently also asked his EPA staff to help him search for real estate, buy a used mattress from a Trump Hotel, get his daughter a White House internship, pick up his dry cleaning, and buy his favorite fancy moisturizer. Federal law prohibits Federal employees, public employees, from asking or directing subordinates to provide them with personal gifts or services.

Do each of you commit to refuse any similar request from Administrator Pruitt or some future administrator might make of you and your staff along those lines?

Mr. Wright. Senator, I have no expectation of getting such a request, but, again, I would follow all of the guidelines

informed by the career ethics officials.

Senator Carper. Thank you.

Mr. McIntosh, same question.

Mr. McIntosh. I again commit I will follow all the rules and regulations of the Agency, as well as following and committing to following the guidance of our ethics officials.

Senator Carper. All right.

Mr. Wright, this question is just for you. In your recusal statement you said you would abide by ethics regulations and the Trump ethics pledge. You also said that you would not participate in working on any DowDuPont Superfund site for two years after you are confirmed. Do you intend to seek any waiver that would allow you to work on those sites in the two-year period following your confirmation, if you are confirmed?

Mr. Wright. I have no intention to seek any waivers.

Senator Carper. All right, thank you.

A question again for you, Mr. Wright. In January this year I believe Barry Breen, who was the Acting Assistant Administrator for the Office of Land and Emergency Management, told the House Energy and Commerce Committee that when it comes to cleaning up Superfund sites, he said, "We have to respond to climate change, and that is just part of our mission, so we need to design remedies that account for that." That is what he said.

Both Administrator Pruitt and the President are infamous skeptics of climate change science and dismiss the central role scientists say that human activity is playing in changing our climate. My question of you, Mr. Wright, would be who do you agree with, Mr. Breen and the worldwide scientific community or Mr. Pruitt and our President.

If you were confirmed, will you incorporate perspective climate change impacts into the remedy selections and designs for Superfund sites? Let me say that last question. This is one that I really want to ask. If you are confirmed, will you incorporate perspective climate change impacts into the remedy selection and design for Superfund sites?

Mr. Wright. I will and agree it is essential.

Senator Carper. Thank you.

Mr. McIntosh, one of the main functions of the Office of International and Tribal Affairs is working with Tribal Nations across our Country. Would you please give us an example of some of the work that you have done with Native American communities, please?

Mr. McIntosh. The Michigan Department of Environmental Quality that I was Deputy Director of worked extensively with our 12 recognized Tribes on a number of issues. I have not worked specifically on one of the issues other than managing the staff working on those.

Senator Carper. All right, thank you.

Senator Barrasso. Thank you, Senator Carper.

Senator Booker.

Senator Booker. Mr. Chairman, thank you very much.

Gentlemen, thank you very much for being here. I do want to note that you all have extraordinary haircuts as well.

[Laughter.]

Senator Booker. Mr. Wright, I have some questions for you, and, forgive me, my time is limited, so I am going to do a little bit of a rapid fire. But just to set up the question, you are aware, I am sure, that Administrator Pruitt is attempting to roll back the 2017 Clean Air Act's Risk Management Program update, otherwise known as the Chemical Disaster Rule. The 2017 update established a set of public health and safety protections that would protect environmental justice issues, facility workers, community first responders from accidents at a wide range of industrial chemical facilities.

On May 17th the Administrator proposed a new rule that would roll back all protections afforded by those 2017 standards. The proposal comes after a recent report, which was very troubling to my team, that outlined more than 40 chemical disasters that have occurred since Administrator Pruitt first delayed this rule last summer. And the EPA's own data shows that from 2014 to 2016 there have been at least 137 reported

accidents each year.

So just my rapid-fire questions, if you would, sir. Yes or no, do you support the Administrator's proposal to weaken the chemical safety standards?

Mr. Wright. Senator, I am not deeply familiar with the current rule; it has been some time since I have been asked. I am familiar with the program, but not the current rule.

Senator Booker. Okay, I would love to ask that, but as a question for the record and see if you would answer that after the hearing.

Yes or no, second, do you believe that facilities should be required to assess whether or not they can move towards using safer technologies to limit their potential for catastrophic chemical incidents?

Mr. Wright. Again, Senator, I am generally familiar with the rule --

Senator Booker. But that just seems --

Mr. Wright. -- but I am not as familiar with the particular --

Senator Booker. But that just seems like common sense. Do you think that these facilities should have to assess whether or not they can move towards using safer technologies that could actually protect human lives and avoid these hundreds of accidents that we seem to be having?

Mr. Wright. Well, I believe chemical safety is paramount, but, if confirmed, I would become more up to speed with the particular details of that proposal.

Senator Booker. Okay. So then, in general, do you believe facilities that have a chemical disaster or a near miss, as it is termed, that they should be required to investigate what went wrong so that they can avoid similar impacts in the future? Doesn't that seem like a commonsense thing that we should require companies to do?

Mr. Wright. Well, Senator, again, I am not particularly familiar --

Senator Booker. I am just asking for your common sense.

Mr. Wright. There is a commonsense element to it and it is a practice that I am familiar with for the particular client that I work for today.

Senator Booker. So, you think it is just common sense, something that makes sense that we should do.

Mr. Wright. It may be commonsensical, but, again, I don't appreciate exactly how it is formulated in the proposed rule or in the previous rule.

Senator Booker. So, if you lived in a community, if you were just a neighbor now of a chemical plant, like many folks do in my State, and they had a near miss or a chemical disaster, would you want them to do an investigation so that they could

avoid similar such near misses in the future? If you lived in that community, would that be something you would want?

Mr. Wright. Well, again, from the perspective of being the Assistant Administrator, if confirmed --

Senator Booker. I am just asking as a human being, man. These facilities are usually in low-income communities, like Cancer Alley in Louisiana, where I visited with poor, low income African-American communities that live next to these plants, people in my State, who live next to a chemical plant. Just for just your own human decency, if you lived near one of these plants, if you had children by those plants, wouldn't you want this done?

Mr. Wright. Well, Senator, as I have stated, I am a very strong believer in chemical safety, and appropriate measures should be taken and, as appropriate, the Agency should enforce existing rules.

Senator Booker. The EPA's proposal explicitly states that changes -- the EPA itself is saying that they would disproportionately impact low-income communities and communities of color. The Agency is moving forward with the rule anyway, despite it saying it would have that disproportionate impact on low-income folks, people of color, and they say it is because it is going to save an estimated \$88 million per year in an industry whose overall annual revenue is estimated to be \$100



billion.

So, it seems like that cost-benefit logic is what is prevailing here. Do you believe it is okay for the EPA to make rules that disproportionately impact the health and safety of low-income and minority communities because of a cost-benefit analysis, or should the health concerns of those communities prevail?

Mr. Wright. I believe it is very important for EPA to take into consideration the impacts on minority communities, but, again, I am not familiar with the details about how this rule does or doesn't do that.

Senator Booker. Okay, finally, if the EPA refuses to adequately protect these vulnerable communities from negative environmental impacts, again, I have been spending a lot of time on the road visiting communities that are affected in this way, do you agree with me that these communities should have the right to bring a private cause of action to protect themselves against this type of disproportionate harm?

Mr. Wright. Senator, I would take it that that is kind of beyond the scope of the position for which I have been nominated, to generally comment on the law.

Senator Booker. But it is important for me, someone who is going to advise and consent the President of the United States, to know what kind of person you are. Do you have an opinion on

whether folks should be able to defend themselves in the judicial system from companies that are affecting their life and their health and safety in these communities?

Mr. Wright. Well, again, of course, it depends on the particular State, but there typically are State laws that would provide for a cause of action, whether statutory or common law causes of action.

Senator Booker. I would just like to say to the Chairman I would like to have these questions submitted. He says he wasn't prepared to answer a lot of them because he is not familiar with what I am talking about, so I would like to submit them as QFRs and hopefully get more substantive response.

Senator Rounds. [Presiding.] Of course.

Senator Booker. Thank you, sir.

Senator Rounds. We are about at the end of the hearing here, but I just have one more question. I think Senator Carper may like to ask a question as well.

I am just curious, Mr. Wright, with regards to the Superfund sites and, in particular, some of the Brownfields, when it comes to cleaning them up, coordination and cooperation with State governments and experts in their own field with any State government as well, can you talk a little bit about what you see as the role, the cooperative role between the Federal and State officials with regard to the cleanup and the

determination of how to handle these Brownfields sites?

Mr. Wright. Well, I think this goes to the heart of cooperative federalism, really, the agencies and government kind of looking at all levels to work most effectively. It is critical, I believe, that, if you will, the right level of government, the right agency is working on the right kind of a problem, and at the right time.

Of course, EPA, as an environmental agency, is clearly, far and away, the most sophisticated and experienced, from having cleaned up sites across the Country, and every kind of site, so, again, it makes the most sense for EPA to have the lead, I believe, with respect to the most complicated, the largest sites.

But there are many sites that are much less complicated, much smaller, and where maybe it makes a lot more sense for a State agency to be the lead agency because it doesn't really call upon all of the resources of EPA. Of course, it makes sense for EPA to consult and support the State, as needed. And there are many cases, I believe, particularly in the Brownfields context, where it may ultimately make sense for maybe the State to be the lead agency because often the State is the arm of government that maybe is closest to the particular community and the economic needs of the State.

So, I think it is really critical that those be well

coordinated so that resources are used across the board most efficiently.

Senator Rounds. Very good. Thank you, Mr. Wright.

Senator Carper.

Senator Carper. Thank you, Mr. Chairman.

Apparently at the request of political supporters, Administrator Pruitt has accelerated in some States Superfund cleanups and directed that EPA research dollars be used for pet projects.

Let me just ask do each of you commit not to use your offices or staff to grant special favors to this Administrator's or any administrator's political supporters, even if he or she directs you to do so?

Mr. Wright. I don't expect that I will be asked that, but I would not deviate from the practices and the policies of the office with respect to --

Senator Carper. To granting special favors?

Mr. Wright. Yes.

Senator Carper. Even if asked to do so?

Mr. Wright. Again, I would follow the policies, practices of the office.

Senator Carper. You might want to be careful with that. Might want to be careful with that.

Same question, Mr. McIntosh.

Mr. McIntosh. And I will follow all the advice of our ethics officials at the EPA, as well as follow all the rules and regulations as I carry out my official duties.

Senator Carper. I would just urge you to keep in mind we have a prayer breakfast that meets every Wednesday morning, and usually I don't get to come because I go back and forth to Delaware every night, but I came today. They asked me to be their speaker, which is quite an honor. The fellow who was nice enough to introduce me at the breakfast was my former fellow governor here, and one of the things I sometimes talk about in gatherings like that are core values, and just kind of guide me in what I do with my life. I made every mistake in the book in my life, and you have probably made a few mistakes as well. But I always ask myself what is the right thing to do; not what is easy and expedient, but what is the right thing to do.

I would urge you, if you get confirmed for these positions, that is a hugely important question to ask every day, what is the right thing to do. Not what is expedient, not what is easy; what is right.

Second, Golden Rule, treat other people the way you want to be treated. That is maybe the most important rule of all. I would urge you to keep that close to you.

Now, I am going to ask the same question again. Do each of you commit not to use your offices or staff to grant special

favors to an administrator's political supporters, even if he or she directs you to do so? That is my question.

Mr. Wright?

Mr. Wright. Senator, again, I don't expect to ever be asked that, and I would follow any guidance from the EPA's --

Senator Carper. If you were asked by an administrator to grant special favors to an administrator's friends or supporters, even if you think it is not the right thing to do, would you do that?

Mr. Wright. Again, Senator, I have no expectation that I will be asked that --

Senator Carper. I am very disappointed in that answer, very disappointed.

Mr. McIntosh?

Mr. McIntosh. Senator, I appreciate and I share many of the core values you just --

Senator Carper. I am not surprised.

Mr. McIntosh. Again, I will treat everybody I work with, I am no better than them; they are no better than me. I expect the Golden Rule works pretty well in this situation. But I will be also following all the rules and regulations that are before me as I carry out my official duties and work closely with our ethics officials, and commit to doing that.

Senator Carper. All right.

Mr. Wright, a question on chemical facilities and climate change, if I could. Flooding associated with Hurricane Harvey last year caused the Arkema Chemical facilities in Texas to lose electricity, which led to several chemical fires there because there was no power to keep the chemicals cool. The Chemical Safety and Hazard Investigation Board recently released its report on this incident and found that flooding from Hurricane Harvey near the facility exceeded the 500-year flood levels and said that since 1994 the area near this facility had experienced three flooding experiences with flood levels that were greater than 100-year flood levels. This report recommended that chemical facilities take steps to assess and mitigate risk from extreme weather events like this.

Mr. Wright, if you are confirmed, you will oversee the EPA's Office of Emergency Management, which is charged with providing information about ways to help industry, government, and the public "prevent, prepare for, and respond to emergencies." Do you agree that facilities that store chemicals should incorporate measures to prevent and respond to emergencies caused by the increased intensity and frequency of extreme weather events that we can expect as a result of climate change? If so, if you are confirmed, will you work to ensure that facilities like the Arkema facility build protections into their emergency response and other plans?

Mr. Wright. Yes.

Senator Carper. Thank you.

Mr. Wright. And I think that we need to take into account the learnings from any incident in planning for the future.

Senator Carper. All right.

As managing counsel for Dow and now DowDuPont, you were involved in any number of site cleanups. In your experience, did the pace of work at any Dow site accelerate after a cut to either the funds or personnel that were needed to do the work? Let me say that again. As managing counsel for Dow and now DowDuPont, you have been involved in numerous site cleanups. In your experience, did the pace of work at any Dow site accelerate after a cut in either the funds or personnel that were needed to do the work?

Mr. Wright. Senator, I can't recall any case where the funding was cut. In all cases, the company, that I can think of, met its commitments.

Senator Carper. All right.

Lastly, a question, if I can, for Mr. McIntosh. The office for which you have been nominated supports the government-to-government relationship between the EPA and tribal governments. Can you explain for our Committee what you understand is the Federal Government's responsibility toward Native Americans and tribal communities, which would be under your purview if you are



the leader of this entity?

Mr. McIntosh. My experience and training is going to allow me to provide very strong support to the Tribes and become an advocate for their issues. Two things. Some Tribes have their own agencies, and with my experience with State government and with Ford and internationally, I will be able to help those Tribes ensure that their agencies are adequately resourced, as well as having the technical wherewithal to carry out their environmental responsibilities on their lands. And for the tribal lands that actually don't have a tribal agency, among my experience, I have managed a large governmental agency; I will be able to provide good coordination with the EPA and the States as they carry out the environmental implementation of the environmental laws on the tribal lands without their agencies.

Senator Carper. All right, thanks.

Mr. Chairman, could I make two unanimous consent requests, please?

Senator Barrasso. [Presiding.] Without objection.

Senator Carper. One of them is I would like to ask unanimous consent to submit for the record several reports about the Administrator's alleged unethical behavior over his tenure as the EPA Administrator. I would also like to submit a copy of a letter opposing Mr. Wright's nomination from a number of environmental organizations.

Senator Barrasso. Without objection.

Senator Carper. Thank you.

[The referenced information follows:]

Senator Barrasso. Senator Whitehouse.

Senator Whitehouse. Thank you very much.

Welcome to both of you. Given the way things are going at EPA right now, I want to ask you each, first, if you are to be confirmed, what do you think the proper relationship should be between regulated entities and their regulator in matters where the public health, safety, and welfare is involved?

Mr. McIntosh?

Mr. McIntosh. Having been on both sides over the last 40 years of both being regulated and being a regulator, really, the relationship is governed by the rule of law. Companies and, in general, the agencies are all committed to protecting the public health and the environment, and the agencies are committed to implementing the law and the companies are committed to complying with the law.

Senator Whitehouse. Under what circumstances should the companies be able to direct the regulators' activities or conclusions?

Mr. McIntosh. Companies are usually always able to talk to the agencies about their issues, but the rule of law will be the thing that trumps everything, and at some point the companies will have to comply with the rule of law.

Senator Whitehouse. Mr. Wright, same two questions, proper relationship and should the regulated entity be able to direct

the regulator.

Mr. Wright. Okay, so the relationship is governed by the rules, regulations, policies, and procedures of the particular program at issue as between the parties. With respect to the second question, again, it depends on the particular program, the particular context in which those discussions might take place, whether it is a consultation, whether it is negotiations over the terms of a consent order. Again, I think it depends on the particular context.

Senator Whitehouse. I would like to ask each of you to say something about the concept of regulatory capture.

Are you familiar with the concept, Mr. McIntosh?

Mr. McIntosh. I am not familiar with that term.

Senator Whitehouse. Well, you are probably going to be.

Mr. Wright?

Mr. Wright. I am also not familiar with that term.

Senator Whitehouse. Okay.

So, assume that you are in office. What do you think is appropriate regarding having your professional staff run personal errands for you, like lotion producing or used hotel mattress seeking?

Mr. McIntosh?

Mr. McIntosh. Again, I am not part of the Agency. Should I be confirmed, and I hope I am confirmed, I will follow and

committed to following all the guidance of our ethics officials and all the rules and regulations that govern us carrying out our official duties.

Senator Whitehouse. Will you ask your official employees to run personal errands for you?

Mr. McIntosh. I will follow all the ethics rules and rules and regulations of the agency.

Senator Whitehouse. Huh. I would have thought that would have been an easier question to answer.

You, Mr. Wright?

Mr. Wright. Senator, I am also not at the Agency now, so I am not fully familiar with all of the policies and procedures that apply, but I also would follow all of the guidance from ethics officials about appropriate assignments and responsibilities.

Senator Whitehouse. Can you assure us that you wouldn't ask official staff to run personal errands for you?

Mr. Wright. I have no intention to do so.

Senator Whitehouse. How about housing? Will you accept housing here in Washington paid for by lobbyists or regulated interests, or subsidized by lobbyists or regulated interests?

Mr. McIntosh?

Mr. McIntosh. No.

Senator Whitehouse. Mr. Wright?

Mr. Wright. I have no need to.

Senator Whitehouse. With respect to travel, are you willing to fly regular coach or will you demand first class travel?

Mr. McIntosh?

Mr. McIntosh. I generally fly coach. I am not familiar with the travel regulations with the Federal Government; I am with Ford and the State government, but I will commit to following the regulations.

Senator Whitehouse. Mr. Wright?

Mr. Wright. Senator, I also am not familiar with the travel regulations. Coach is fine, but I don't know if there are other provisions for different circumstances.

Senator Carper. Can I just interrupt for a second?

I will just observe that sometimes the train works, too, for what it is worth.

Senator Whitehouse. Will you give your professional staff a list of travel destinations that you would like to visit and tell them to find something for you to do there so that you can go visit your desired travel destinations?

Mr. McIntosh. If confirmed, my understanding is that I will be required to set up official visits throughout the world and, again, I will follow all the regulations of the Agency and the Government, as well as the ethics officials' guidance.

Senator Whitehouse. But you will be doing that based on official needs, not your desire to go visit places.

Mr. McIntosh. Yes. My job will be to plan official visits.

Senator Whitehouse. And you won't be making pretext visits to places you simply want to go see at taxpayer expense.

Mr. McIntosh. No.

Senator Whitehouse. Mr. Wright?

Mr. Wright. My answer to the question is no.

Senator Whitehouse. Thank you.

My time has expired, Mr. Chairman.

Senator Barrasso. Thank you, Senator Whitehouse.

Senator Markey.

Senator Markey. Thank you, Mr. Chairman, very much.

On November 3rd, the Environmental Protection Agency and 12 other Federal agencies released the Fourth National Climate Assessment. This report decisively concludes that humans are the main cause of rising global temperature.

Mr. Wright, do you agree that humans are the main cause of climate change?

Mr. Wright. I agree that humans cause climate change.

Senator Markey. Are they the main cause of climate change?

Mr. Wright. I am not detailedly familiar with the science to put the relative weight, but I believe they are a cause.

Senator Markey. A cause, right, but the main cause is what the conclusion that was reached by 12 Federal agencies, including the EPA. You don't agree with that finding?

Mr. Wright. I am not familiar in any detail with that finding. I don't disagree with it.

Senator Markey. Okay.

Well, Mr. McIntosh, do you agree that humans are the main cause of climate change?

Mr. McIntosh. I am not familiar with that particular report. I understand humans are a contributing factor to climate change, but I can't say whether or not they are the main cause.

Senator Markey. Right. Neither of you know whether or not climate change is caused mainly by human activity, which is an interesting position to be able to take at this late date in the discussion over the issue.

And here is the good news. Because your previous employers would actually disagree. Ford, for whom Mr. McIntosh, and Dow, for whom Mr. Wright, have both said that climate strategies that work to cut down on greenhouse gas emissions because of the threats posed by climate change. Dow even calls it the most urgent environmental issue that society faces today, so that is something that Dow reached as a conclusion at the time that you were there. And, of course, these 12 Federal agencies have also



reached that conclusion, and you remain unable to make a judgment on the subject. But given the positions that you are both seeking to take, I think it would be reassuring to know that you had reached such a conclusion.

Mr. Wright, if confirmed, you would be in charge of our Superfund program. Hundreds of Superfund sites around the Country are in flood-prone areas or in areas that are at risk of sea level rise, putting 2 million people in danger. During Hurricane Harvey, huge floods triggered a toxic fire at the Arkema Chemical Plant. The company argued that they didn't have a plan for how to prevent a fire from happening because the level of flooding was unprecedented. But in the era of climate change, we need to plan for unprecedented events.

In that same storm, flooding caused a leak in the San Jacinto waste pits, a dangerous Superfund site. Testing found levels of dioxin nearby that were more than 2,000 times higher than the EPA's recommended cleanup level.

The EPA's own Climate Change Adaptation Plan, issued in 2014, raised the alarm of how climate impacts could result in the release of toxic chemicals from hazardous waste Superfund sites, calling it a "key vulnerability."

In response to a question from Senator Carper earlier, you agreed that taking climate impacts into account for Superfund sites was essential. Unfortunately, Scott Pruitt does not seem

to agree that we should be preparing for the impacts of climate change. Administrator Pruitt assembled a Superfund task force which was headed by his personal friend, a banker with no environmental experience, and asked it to come up with recommendations on how to improve the Superfund remediation process. That report made zero mentions of climate change or climate impacts on Superfund sites in its 34 pages.

Mr. Wright, do you think these recommendations should have addressed the issue of climate impacts on Superfund sites?

Mr. Wright. Senator, I am not familiar with all the details of how the task force was put together, but it seems to me very plausible that it could have assumed that that climate change guidance that you referenced was existing and would be considered part of the way in which EPA would continue to address the sites.

Senator Markey. So you think that it has now become a self-evident truth that you don't even have to mention, just assume to be a risk and doesn't have to be included at all? Would you think that perhaps the answer is that the banker friend of Scott Pruitt perhaps did not want it to be included because he himself, that is, Pruitt, is a climate denier?

Let me just ask this. Will you ensure that climate impact on Superfund sites is in fact something that you put at the top of your list, given the fact that climate change is a serious

problem?

Mr. Wright. It is serious and it should be incorporated into remedies, and I think, as I have previously stated, I think it is critical that the Agency consider the impacts that we saw last year from the hurricanes and plan for that accordingly in the future.

Senator Markey. Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Markey.

Senator Cardin.

Senator Cardin. Thank you, Mr. Chairman.

Let me thank both of our nominees for their willingness to serve the public, also thank their families. It is not an easy time to serve, and the areas that you would have responsibility are challenging areas, so I thank you for your willingness.

Mr. Wright, I want to talk a little bit about risk management plans. I say that for a couple reasons. First, in your current or prior life in regards to your work that you did at DowDuPont, there were a lot of incidences involving accidents and injuries in which the risk management plan comes into effect.

The Administration has proposed delaying the new rules on this and I want to hone in on one specific area that affects Maryland. On September 18th of last year we had a chlorosulfonic acid leak in Baltimore that put thousands of

people at risk; they were ordered to shelter in place. There was a concern that if they inhaled this, it could lead to very, very serious health risks. If it had contacted water, it could explode. And there was a significant concern as to the public health risk as it relates to this spill.

It is my understanding currently that this type of chemical is not covered under the Risk Management Plan, and I would hope that you would help and work with us to expand the Risk Management Plan to cover that type of exposure, considering what happened in my State.

If you could comment on that now, fine. If not, I will take it for the record. But I would also ask you to work and explain why or how you would make sure that these Risk Management Plan rules are effective as quickly as possible, considering the risk factors to our community on public health.

Mr. Wright. Well, Senator, as I have stated earlier in this hearing, I think chemical safety is paramount, very important. At the present time, I am not deeply up to speed with the current set of regulatory proposals, but, if confirmed, I will get up to speed on all of those and work on that, and would be glad to work with you and your staff on these issues.

Senator Cardin. Well, I appreciate that willingness. I might take advantage of asking you a question for the record to give you a little more time to respond. I really want to know

your commitment to public health as it relates to the Risk Management Plans and your response to how we can better prepare for the type of incident that happened in Baltimore. We were not as prepared as we needed to be, and let's learn from what has happened. People were sheltering in place and they didn't know the protocols as it related to -- it is right near water. If it would have hit water, it would have been catastrophic.

So I appreciate the fact that you are not up to speed right in on these particular issues, but I would appreciate a comfort level that you will be committed doing everything we can for public safety as it relates to these Risk Management Plans.

Mr. Wright. Senator, I will make that commitment, if confirmed.

Senator Cardin. Thank you.

Thank you, Mr. Chairman.

Senator Barrasso. Final question, Senator Carper.

Senator Carper. Mr. McIntosh, you worked how many years at DowDuPont?

Mr. McIntosh. Ford Motor Company, 19 years.

Senator Carper. And how many years did you work at Dow?

Mr. Wright. I worked for Dow for 19 and a half years.

Senator Carper. Okay.

Senator Markey, did you just read a statement from Andrew Liveris on climate change, did he just read that in his

question? I think he was asking you questions did you agree about -- I think he asked one of you your views on climate change, the contributions that humans have to climate change, and neither of you were very clear, and you said, well, it is a factor. And then he read I think from Dow, I think he read from Dow. I don't know if it was Andrew Liveris who he was quoting or not, Chairman of Dow.

But for Ford, these are the words of Bill Ford, and I think they are probably worth noting. He is still the chairman of the company, as you probably know. But here is what he said, "Climate change is having a significant effect on our planet. We know climate change is real and a critical threat, and we will continue to work with leaders around the world in support of ambitious, global greenhouse gas reduction targets." Those are his words and I will just say I am Tom Carper and I approve that message. Thank you.

Would you introduce your families again? I think I was out of the room when you introduced your families. Would you just take a minute to introduce your families? Who are those people sitting behind you?

Mr. McIntosh. Today, my son, Scott, and his lovely wife, Katie, are here. Then there are a number of other family watching, my lovely wife, Melanie, my other son, Andrew, and Jen, and then Carl and Jennie, and my grandchildren, Eda and

Cameron are all watching, although they are probably asleep by now.

Senator Carper. Please.

Mr. Wright. So, Senator, actually, my wife is actually sitting behind --

Senator Carper. This not like the weddings, where the bride --

Mr. Wright. Right. It got a little confused at the last second -- together with Dan and Jess who flew out from Midland to be with us, and a number of colleagues and friends I think are with us as well; and my daughter, Audrey, is possibly watching, she will watch the tape from Europe.

Senator Carper. Can I have one more minute?

I have a stepson who lives in Detroit and now I have a son who lives there and works for General Motors for a special summer project. He is a graduate student in business.

But a year ago, on Father's Day, my stepson, who lives in Rochester Hills, was in Paris on a family vacation with his four kids, and they turn on television live in their hotel room, I guess it was in the evening, and MSNBC was on, no, no, no, Meet the Press was on and I was on, and they had this big screen TV in their hotel room, so there I am on television, and these four kids are gathered around, watching me on Meet the Press. This was the only time I was ever on Meet the Press, and they sent it

to me and we have had more fun with that picture. I was there for Father's Day and we looked at it again and said what a special treat that was for them and for me, especially for me.

All right, thanks so much.

Senator Barrasso. Well, no further questions today. Members may submit written questions, follow-up questions for the record, and they will have to do that by the close of business on Wednesday, June 27th, so we would ask that you respond by the close of business by Monday, July 9th.

I want to thank you and congratulate you on your nomination again. Thank you for your testimony today, for all your hearing time, and the hearing is adjourned.

[Whereupon, at 11:37 a.m. the committee was adjourned.]